

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cr-10063

United States of America

v.

Nestor Rodriguez

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 10/12/05.

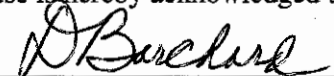
In testimony whereof, I hereunto set my hand and affix the seal of this Court on October 18, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 10/19/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, MAG, REMAND

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10063-RCL-ALL**

Case title: USA v. Rodriguez et al
Magistrate judge case numbers: 1:03-mj-00908
1:03-mj-00908-MBB

Date Filed: 03/04/2004

Assigned to: Judge Reginald C. Lindsay

Defendant

Ivan Rodriguez (1)

represented by **Clifford S. Sutter, Jr.**
Law Office of C. Samuel Sutter
203 Plymouth Avenue
Building #7
Fall River, MA 02720
508-674-8633
Fax: 508-673-3766
Email: samsutter@verizon.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Melvin Norris
Mel Norris
260 Boston Post Road
Suite 9
Wayland, MA 01778
508-358-3305
Fax: 508-358-7787
Email: attorney.norris@verizon.net
TERMINATED: 02/11/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

21:846 CONSPIRACY TO
DISTRIBUTE Heroin
(1)

21:841(a)(1) Distribution of Heroin
(2)

21:841(a)(1) Distribution of Heroin;

Disposition

18:2 Aiding and Abetting
(4-5)

21:841(a)(1) Distribution of Heroin
(6)

21:841(a)(1) Possession with Intent to
Distribute Heroin
(7)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

21:846 Conspiracy distribute heroin

Disposition

Assigned to: Judge Reginald C. Lindsay

Defendant

Nestor Rodriguez (2)
TERMINATED: 12/10/2004

represented by **Syrie D. Fried**
Federal Defender's Office
408 Atlantic Ave.
Third Floor
Boston, MA 02210
617-223-8061
Fax: 617-223-8080
Email: syrie_fried@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

21:846 CONSPIRACY TO
DISTRIBUTE Heroin
(1)

Disposition

The Court orders the defendant
committed to the custody of the Bureau
of Prisons for a term of 188 months.
Upon release, the defendant is placed
on supervised release for a term of 6
years with special conditions. The Court
further imposes a special assessment of

21:841(a)(1) Distribution of Heroin
(3)

21:841(a)(1) Distribution of Heroin;
18:2 Aiding and Abetting
(4)

21:841(a)(1) Possession with Intent to
Distribute Heroin
(7)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

21:846 Conspiracy distribute heroin

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The Court orders the defendant committed to the custody of the Bureau of Prisons for a term of 188 months. Upon release, the defendant is placed on supervised release for a term of 6 years with special conditions. The Court further imposes a special assessment of

Plaintiff

USA

represented by **Peter K. Levitt**
United States Attorney's Office
John Joseph Moakley Federal

Courthouse
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3100
Fax: 617-748-3965
Email: Peter.Levitt@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/10/2003	1	SEALED COMPLAINT as to Nestor Rodriguez (1), Ivan Rodriguez (2). (Smith3, Dianne)[1:03-mj-00908-MBB] (Entered: 12/19/2003)
12/10/2003	2	Arrest Warrants Issued as to Ivan Rodriguez, Nestor Rodriguez. (Smith3, Dianne)[1:03-mj-00908] (Entered: 12/19/2003)
12/10/2003	3	AFFIDAVIT of Michael Burke by USA as to Nestor Rodriguez, Ivan Rodriguez [1] Complaint (Sealed) (Smith3, Dianne)[1:03-mj-00908-MBB] (Entered: 12/19/2003)
12/10/2003	4	MOTION to Seal Case as to Nestor Rodriguez, Ivan Rodriguez by USA. (Smith3, Dianne)[1:03-mj-00908-MBB] (Entered: 12/19/2003)
12/12/2003	5	Judge Marianne B. Bowler : Endorsement on motion ORDER entered granting [4] Motion to Seal Case as to Nestor Rodriguez (1), Ivan Rodriguez (2) (Smith3, Dianne)[1:03-mj-00908-MBB] (Entered: 12/19/2003)
12/12/2003	6	MOTION to Unseal Case as to Nestor Rodriguez, Ivan Rodriguez by USA. (Smith3, Dianne)[1:03-mj-00908-MBB] (Entered: 12/19/2003)
12/12/2003	7	Judge Marianne B. Bowler : Endorsement on motion ORDER entered granting [5] Motion to Unseal Case as to Nestor Rodriguez (1), Ivan Rodriguez (2) (Smith3, Dianne)[1:03-mj-00908-MBB] (Entered: 12/19/2003)
12/12/2003	8	CJA 23 Financial Affidavit by Nestor Rodriguez (Saccoccio, Dianalynn) [1:03-mj-00908-MBB] (Entered: 12/19/2003)
12/12/2003	9	Judge Joyce London Alexander : ORDER entered ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Nestor Rodriguez Syrie D. Fried for Nestor Rodriguez appointed. Correction to docket made; Federal Defender was appointed to Deft. #2 in error (Saccoccio, Dia[1:03nalynn)[1:03-mj-00908-MBB] (Entered: 12/30/2003)
12/12/2003	10	electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Initial Appearance as to Nestor Rodriguez, Ivan Rodriguez held on 12/12/2003; Govt. moves for detention and continuance resets detention to Dec. 16, 2003 @ 2:30[1:03 PM;defts. remanded to the custody of the U.S. Marshals. (Tape #digital.) (Saccoccio, Dianalynn) [1:03-mj-00908-MBB] (Entered: 01/05/2004)

12/12/2003	6	CJA 23 Financial Affidavit by Ivan Rodriguez (Saccoccio, Dianalynn) [1:03-mj-00908] Additional attachment(s) added on 2/16/2005 (Saccoccio, Dianalynn). (Entered: 12/19/2003)
12/12/2003	8	Judge Marianne B. Bowler : ORDER entered ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Ivan Rodriguez Syrie D. Fried for Ivan Rodriguez appointed. (Saccoccio, Dianalynn)[1:03-mj-00908] (Entered: 12/19/2003)
12/19/2003	9	ASSENTED-TO MOTION to Continue hearing to 12/23/03 to conduct detention hearing and preliminary examination as to Nestor Rodriguez, Ivan Rodriguez by USA, Nestor Rodriguez, Ivan Rodriguez. (Brown, Rex)[1:03-mj-00908-MBB] (Entered: 12/22/2003)
12/19/2003		Judge Joyce London Alexander : Electronic ORDER entered granting 9 Motion to Continue as to Nestor Rodriguez (1), Ivan Rodriguez (2) (Brown, Rex)[1:03-mj-00908-MBB] (Entered: 12/22/2003)
12/19/2003		Set/Reset Hearings as to Nestor Rodriguez, Ivan Rodriguez : Detention Hearing set for 12/23/2003 10:30 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. Preliminary Examination set for 12/23/2003 10:30 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Brown, Rex)[1:03-mj-00908-MBB] (Entered: 12/22/2003)
12/19/2003	10	Judge Marianne B. Bowler : ORDER entered CJA 20 as to Ivan Rodriguez : Appointment of Attorney Melvin Norris for Ivan Rodriguez. (Saccoccio, Dianalynn)[1:03-mj-00908] (Entered: 12/30/2003)
12/23/2003		Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Detention Hearing as to Nestor Rodriguez, Ivan Rodriguez waived on 12/23/2003. The defendants consent to a voluntary order of detention. Order to issue. Preliminary Examination as to Nestor Rodriguez, Ivan Rodriguez held on 12/23/2003. The government and defense present evidence. Corrections made to the complaint in Open Court. The government and defense rest. The government and defense present oral argument. The Court takes the matters under advisement. (Tape #Digital Recording.) (Brown, Rex)[1:03-mj-00908-MBB] (Entered: 12/24/2003)
01/12/2004	11	Judge Joyce London Alexander : ORDER entered ORDER OF DETENTION as to Nestor Rodriguez, Ivan Rodriguez, ORDER ON PROBABLE CAUSE as to Nestor Rodriguez, Ivan Rodriguez. (Brown, Rex)[1:03-mj-00908-MBB] (Entered: 01/12/2004)
02/23/2004	12	NOTICE OF ATTORNEY APPEARANCE: Clifford Samuel Sutter Jr. appearing for Ivan Rodriguez. (Rynne, Michelle)[1:03-mj-00908] (Entered: 02/25/2004)
03/04/2004	13	INDICTMENT as to Ivan Rodriguez (1) count(s) 1, 2, 4-5, 6, 7, Nestor Rodriguez (2) count(s) 1, 3, 4, 7. (Gawlik, Cathy) (Entered: 03/04/2004)
03/04/2004		Judge Reginald C. Lindsay : ORDER entered ORDER REFERRING

		CASE to Magistrate Judge Marianne B. Bowler Reason for referral: pretrial proceedings as to Nestor Rodriguez, Ivan Rodriguez (Gawlik, Cathy) (Entered: 03/04/2004)
03/08/2004	14	NOTICE OF HEARING as to Nestor Rodriguez, Ivan Rodriguez Arraignment set for 3/18/2004 02:15 PM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. (Saccoccio, Dianalynn) (Entered: 03/08/2004)
03/18/2004		electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Arraignment as to Nestor Rodriguez (2) Count 1,3,4,7 and Ivan Rodriguez (1) Count 1,2,4-5,6,7 held on 3/18/2004; Peter Levitt for the Govt.; Sam Sutter for Deft. Ivan Rodriguez; Syrie Fried for the Deft. Nestor Rodriguez; Both Defts. waive the reading of the indictment; Deft. #1 pleads not guilty to all counts; Deft. # 2 pleads not guilty to all counts; Govt. estimates 5 witnesses and trial to take 4-5 days; Initial status set for May 5, 2004 at 10:00 AM; Defts. remanded to the custody of the U.S. Marshals. (Tape #digital.) (Saccoccio, Dianalynn) (Entered: 03/18/2004)
03/23/2004	15	INFORMATION TO ESTABLISH PRIOR CONVICTION as to Ivan Rodriguez (Tebo, Susan) (Entered: 03/23/2004)
03/23/2004	16	INFORMATION TO ESTABLISH PRIOR CONVICTION as to Nestor Rodriguez (Tebo, Susan) (Entered: 03/23/2004)
04/14/2004	17	MOTION for RULE 11 Hearing as to Nestor Rodriguez by USA. (Stanhope, Don) (Entered: 04/20/2004)
04/21/2004		Judge Reginald C. Lindsay : Electronic ORDER entered granting 17 Motion for Rule 11 Hearing as to Nestor Rodriguez (2) (Hourihan, Lisa) (Entered: 04/21/2004)
04/21/2004		Set/Reset Deadlines/Hearings as to Nestor Rodriguez : Change of Plea Hearing set for 5/18/2004 03:00 PM before Judge Reginald C. Lindsay. Any written plea agreement to be submitted to the Court three business days prior to the rule 11 hearing. (Hourihan, Lisa) (Entered: 04/21/2004)
04/21/2004		Set/Reset Deadlines/Hearings as to Nestor Rodriguez : Change of Plea Hearing RESET for 5/25/2004 03:00 PM before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 04/21/2004)
05/04/2004	18	Joint MOTION to Continue Initial Status Conference to 5/11/04 at 10:15amas to Ivan Rodriguez by USA, Ivan Rodriguez. (Stanhope, Don) (Entered: 05/05/2004)
05/11/2004		Judge Marianne B. Bowler : electronic ORDER entered granting 18 Motion to Continue as to Ivan Rodriguez (1) (Bowler, Marianne) (Entered: 05/11/2004)
05/11/2004		Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Status Conference as to Ivan Rodriguez held on 5/11/2004; Peter Levitt for the govt.; Samuel Sutter for the deft.; Parties submit copy of joint status report requesting final status hearing set for July; Court sets final status for July 7, 2004 at 10:00 AM; Parties agree to exclude the

		time and the govt. will file an assented to motion. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 05/11/2004)
05/11/2004	<u>19</u>	Joint Initial STATUS REPORT by USA, Ivan Rodriguez as to Ivan Rodriguez (Stanhope, Don) (Entered: 05/12/2004)
05/11/2004	<u>20</u>	Government's ASSENTED TO MOTION to Exclude Time from 5/11/04 to 7/7/04 as to Ivan Rodriguez by USA. (Stanhope, Don) (Entered: 05/12/2004)
05/13/2004		Judge Marianne B. Bowler : electronic ORDER entered granting <u>20</u> Motion to Exclude as to Ivan Rodriguez (1) (Bowler, Marianne) (Entered: 05/13/2004)
05/25/2004		Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Change of Plea Hearing as to Nestor Rodriguez held on 5/25/2004. Defendant retracts previous plea of not guilty and enters plea of guilty to Counts 1,3,4 and 7 of the Indictment. Court finds factual basis, the plea is accepted and entered by Nestor Rodriguez (2) Guilty Count 1,3,4,7. Sentencing set for 9/20/2004 02:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 05/26/2004)
05/25/2004	<u>21</u>	PLEA AGREEMENT as to Nestor Rodriguez (Hourihan, Lisa) (Entered: 05/26/2004)
05/26/2004	<u>22</u>	Judge Reginald C. Lindsay : ORDER entered PROCEDURAL ORDER re sentencing hearing as to Nestor Rodriguez Sentencing set for 9/20/2004 02:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 05/26/2004)
06/08/2004	<u>23</u>	Assented to MOTION of the United States To Make Late Submission to Probation of Defendant's Offense Conduct as to Nestor Rodriguez by USA. (Stanhope, Don) (Entered: 06/09/2004)
06/17/2004		Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>23</u> Motion of the United States to Make Late Submission to Probation of Defendant's Offense Conduct as to Nestor Rodriguez (2) (Hourihan, Lisa) (Entered: 06/17/2004)
07/06/2004	<u>24</u>	MOTION to Continue Final Status Conference to 8/3/04 as to Ivan Rodriguez . (Stanhope, Don) (Entered: 07/08/2004)
07/08/2004		Judge Marianne B. Bowler : electronic ORDER entered granting <u>24</u> Motion to Continue as to Ivan Rodriguez (1) (Bowler, Marianne) (Entered: 07/08/2004)
07/08/2004		Set/Reset Hearings as to Ivan Rodriguez : Final Status Conference set for 8/3/2004 10:00 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. (Saccoccio, Dianalynn) (Entered: 07/08/2004)
07/30/2004	<u>25</u>	Letter regarding Final Status Conference as to Ivan Rodriguez from Kelley Anne Sutter. (Stanhope, Don) (Entered: 08/03/2004)

08/03/2004		Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Final Status Conference as to Ivan Rodriguez held on 8/3/2004; Peter Levitt for the govt.; Sam Sutter for the def.; Parties ask for an additional thirty days for a further status; Further status set for September 7, 2004 at 2:30 PM; Parties agree to exclude the time from today to September 7, 2004; Govt. to file an assented to motion to exclude the time. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 08/03/2004)
08/03/2004	26	MOTION for Excludable Delay from 8/3/04 to 9/7/04 as to Ivan Rodriguez by USA. (Levitt, Peter) (Entered: 08/03/2004)
08/04/2004		Judge Marianne B. Bowler : electronic ORDER entered granting 26 Motion to Exclude as to Ivan Rodriguez (1) (Bowler, Marianne) (Entered: 08/04/2004)
09/08/2004	27	MOTION to Continue as to Ivan Rodriguez . (Stanhope, Don) (Entered: 09/09/2004)
09/09/2004		Judge Marianne B. Bowler : electronic ORDER entered granting 27 Motion to Continue as to Ivan Rodriguez (1) (Bowler, Marianne) (Entered: 09/09/2004)
09/16/2004	28	***SEALED DOCUMENT*** MOTION to Continue Sentencing as to Nestor Rodriguez by USA. (Stanhope, Don) (Entered: 09/16/2004)
09/16/2004		Judge Reginald C. Lindsay : Electronic ORDER entered granting 28***SEALED DOCUMENT*** Motion to Continue Sentencing as to Nestor Rodriguez (2) (Stanhope, Don) (Entered: 09/16/2004)
09/16/2004		Set/Reset Deadlines/Hearings as to Nestor Rodriguez : Sentencing set for 11/29/2004 02:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Stanhope, Don) (Entered: 09/16/2004)
09/22/2004		Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Further status conference as to Ivan Rodriguez held on 9/22/2004; Peter Levitt for the govt. and Sam Sutter for the def.; Govt. reports that the case can be returned to the district court for a change of plea; Court will enter the file status report forthwith. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 09/22/2004)
09/23/2004	29	Judge Marianne B. Bowler : ORDER entered REPORT AND ORDER on Final Status Conference as to Ivan Rodriguez (Saccoccio, Dianalynn) (Entered: 09/23/2004)
09/23/2004		Judge update in case as to Ivan Rodriguez. Judge Marianne B. Bowler no longer assigned to case. (Saccoccio, Dianalynn) (Entered: 09/23/2004)
10/08/2004	30	MOTION for Order to Allow Defendant to Visit His Ill Father as to Nestor Rodriguez. (Fried, Syrie) (Entered: 10/08/2004)
10/12/2004	31	RESPONSE to Motion by USA as to Nestor Rodriguez re 30 MOTION for Order to Allow Defendant to Visit His Ill Father (Levitt, Peter) (Entered: 10/12/2004)

10/13/2004		Judge Marianne B. Bowler: Electronic ORDER entered denying <u>30</u> Motion for Order as to Nestor Rodriguez(2), without prejudice. The defendant is directed to provide documentation that his father's death is imminent and to address the issue of cost raised in the government's response. (Bowler, Marianne) (Entered: 10/13/2004)
11/02/2004	● <u>32</u>	NOTICE OF HEARING as to Ivan Rodriguez Pretrial Conference set for 11/22/2004 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 11/02/2004)
11/22/2004	● <u>33</u>	MOTION to Continue as to Ivan Rodriguez . (Stanhope, Don) (Entered: 11/23/2004)
11/23/2004	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>33</u> Motion to Continue as to Ivan Rodriguez (1) (Stanhope, Don) (Entered: 11/23/2004)
11/23/2004	●	Set/Reset Deadlines/Hearings as to Ivan Rodriguez : Pretrial Conference set for 12/6/2004 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Stanhope, Don) (Entered: 11/23/2004)
11/23/2004	● <u>35</u>	***SEALED DOCUMENT*** MOTION for Leave to File Sentencing Memorandum Under Seal.as to Nestor Rodriguez . (Stanhope, Don) (Entered: 11/29/2004)
11/26/2004	● <u>34</u>	SENTENCING MEMORANDUM by USA as to Nestor Rodriguez (Levitt, Peter) (Entered: 11/26/2004)
11/29/2004	●	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Sentencing held on 11/29/2004 for 2 Nestor Rodriguez. The Court finds the Total Offense Level to be 31 and the Criminal History Category to be V. The Court orders the defendat committed to the custody of the Bureau of Prisons for a term of 188 months. Upon release, the defendant is placed on supervised release for a term of 6 years with special conditions. The Court further imposes a special assessment of \$400 (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 11/30/2004)
11/29/2004	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>35</u> ***SEALED DOCUMENT*** Motion for Leave to File Sentencing Memorandum Under Seal. as to Nestor Rodriguez (2) (Stanhope, Don) (Entered: 11/30/2004)
11/29/2004	● <u>36</u>	***SEALED DOCUMENT*** Memorandum in Aid of Sentencing (2 Exhibits Attached) as to Nestor Rodriguez (Stanhope, Don) (Entered: 11/30/2004)
12/02/2004	● <u>37</u>	NOTICE OF APPEAL by Nestor Rodriguez Filing fee \$ 255. Reason fee is not required: Federal Defender Office NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/22/2004. (Fried, Syrie) (Entered: 12/02/2004)

12/06/2004	●	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Pretrial Conference as to Ivan Rodriguez held on 12/6/2004 Change of Plea Hearing set for 1/26/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. If there is to be a written plea agreement, it is to be filed three days before the change of plea(Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 12/08/2004)
12/08/2004	●38	MOTION for Excludable Delay to as to Ivan Rodriguez by USA. (Levitt, Peter) (Entered: 12/08/2004)
12/10/2004	●39	Judge Reginald C. Lindsay : ORDER entered JUDGMENT (Hourihan, Lisa) (Entered: 12/14/2004)
12/10/2004	●40	Judge Reginald C. Lindsay : ORDER entered STATEMENT OF REASONS as to Nestor Rodriguez (Attachments: # 1) (Hourihan, Lisa) (Entered: 12/14/2004)
12/13/2004	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting 38 Assented to Motion to Exclude Time as to Ivan Rodriguez (1) (Stanhope, Don) (Entered: 12/14/2004)
12/13/2004	●	Judge Reginald C. Lindsay : ORDER entered ORDER ON EXCLUDABLE DELAY as to Ivan Rodriguez Time excluded from 12/6/4 until 1/26/5. (Stanhope, Don) (Entered: 12/15/2004)
12/29/2004	●41	Certified and Transmitted Record on Appeal as to Nestor Rodriguez to US Court of Appeals re 37 Notice of Appeal - Final Judgment, (Ramos, Jeanette) (Entered: 12/29/2004)
01/03/2005	●42	USCA Case Number as to Nestor Rodriguez 05-1019 for 37 Notice of Appeal - Final Judgment, filed by Nestor Rodriguez. (Ramos, Jeanette) (Entered: 01/10/2005)
01/26/2005	●43	MOTION to Continue as to Ivan Rodriguez. (Stanhope, Don) (Entered: 01/31/2005)
02/01/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting 43 Motion to Continue as to Ivan Rodriguez (1) all time excluded from 1/26/05 - 2/15/05 (Hourihan, Lisa) (Entered: 02/01/2005)
02/01/2005	●	Set/Reset Deadlines/Hearings as to Ivan Rodriguez: Change of Plea Hearing set for 2/15/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 02/01/2005)
02/11/2005	●	Attorney update in case as to Ivan Rodriguez. Attorney Melvin Norris terminated. (Stanhope, Don) (Entered: 02/11/2005)
02/11/2005	●	Terminate Deadlines and Hearings as to Ivan Rodriguez: (Stanhope, Don) (Entered: 02/11/2005)
02/14/2005	●	NOTICE OF RESCHEDULING as to Ivan Rodriguez Change of Plea Hearing reset for 2/24/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 02/14/2005)
02/15/2005	●	NOTICE OF RESCHEDULING as to Ivan Rodriguez Change of Plea

		Hearing set for 3/22/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 02/15/2005)
02/23/2005	44	MOTION for Excludable Delay to <i>March 22, 2005</i> as to Ivan Rodriguez by USA. (Levitt, Peter) (Entered: 02/23/2005)
02/28/2005		Judge Reginald C. Lindsay : Electronic ORDER entered granting 44 Motion to Exclude as to Ivan Rodriguez (1) (Hourihan, Lisa) (Entered: 02/28/2005)
02/28/2005		Judge Reginald C. Lindsay : Electronic ORDER entered. ORDER ON EXCLUDABLE DELAY as to Ivan Rodriguez Time excluded from 2/15/05 until 3/22/05. (Hourihan, Lisa) (Entered: 02/28/2005)
03/02/2005	45	Judgment Returned Executed as to Nestor Rodriguez on 1/19/5. (Stanhope, Don) (Entered: 03/04/2005)
03/22/2005		Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay : Change of Plea Hearing as to Ivan Rodriguez held on 3/22/2005. Defendant retracts previous plea of not guilty and enters plea of guilty to counts 1,2,4-5,6,7, of the indictment. Court finds factual basis, the plea is accepted and entered by Ivan Rodriguez (1) Guilty Count 1,2,4-5,6,7. (Court Reporter D. Joyce.) (Stanhope, Don) (Entered: 03/23/2005)
03/23/2005	46	Judge Reginald C. Lindsay : ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Ivan Rodriguez Sentencing set for 8/22/2005 02:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Stanhope, Don) (Entered: 03/23/2005)
03/24/2005	47	TRANSCRIPT of Sentencing as to Nestor Rodriguez held on November 29, 2004 before Judge Lindsay. Court Reporter: Debra M. Joyce. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-4410 or the Clerk's Office. (Scalfani, Deborah) (Entered: 03/24/2005)
03/25/2005	48	Transmitted Supplemental Record on Appeal as to Nestor Rodriguez re 37 Notice of Appeal - Final Judgment, document number 47 (Ramos, Jeanette) (Entered: 03/25/2005)
06/08/2005	49	JUDGMENT of USCA (certified copy) as to Nestor Rodriguez re 37 Notice of Appeal - Final Judgment. No objection to defendant's "Assented-To Motion for a Remand for Resentencing in Light of UNITED STATES v. BOOKER" having been filed, the defendant's conviction is AFFIRMED, his sentence is VACATED, and the case is REMANDED for resentencing in light of UNITED STATES v BOOKER, 125 S. CT. 738 (2005). We intimate no view as to whether the same or a different sentence should be imposed on remand. (Ramos, Jeanette) (Entered: 06/08/2005)
06/09/2005		Judge update in the case of Nestor Rodriguez; Magistrate Judge Marianne B. Bowler no longer assigned to the case. (Saccoccio, Dianalynn) (Entered: 06/09/2005)

06/15/2005	●	Set/Reset Hearings as to Ivan Rodriguez: RESENTENCING set for 9/1/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 06/15/2005)
06/15/2005	● 50	Writ of Habeas Corpus ad Prosequendum Issued as to Nestor Rodriguez for 9/1/05 (Hourihan, Lisa) (Entered: 06/15/2005)
06/29/2005	● 51	MANDATE of USCA (certified copy) as to Nestor Rodriguez re 37 Notice of Appeal - Final Judgment. No objection to defendant's "Assented-to Motion for a Remand for Resentencing in Light of UNITED STATES v. BOOKER" having been filed, the defendant's conviction is AFFIRMED, his sentence is VACATED, and the case is REMANDED for resentencing in light of UNITED STATES v. BOOKER, 125 S. Ct. 738 (2005). We intimate no view as to whether the same or a different sentence should be imposed on remand. (Ramos, Jeanette) (Entered: 06/29/2005)
06/30/2005	●	Terminate Deadlines and Hearings as to Nestor Rodriguez, Ivan Rodriguez: Sentencing set for 9/1/05 was linked to Ivan Rodriguez and it should have been as to Nestor Rodriguez (Hourihan, Lisa) (Entered: 06/30/2005)
06/30/2005	●	Set/Reset Hearings as to Nestor Rodriguez: Sentencing set for 9/1/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (REDOCKETED TO LINK THE APPROPRIATE DEFENDANT) (Hourihan, Lisa) (Entered: 06/30/2005)
08/07/2005	● 52	MOTION to Continue <i>Sentencing Hearing</i> as to Nestor Rodriguez. (Fried, Syrie) (Entered: 08/07/2005)
08/15/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting 52 Motion to Continue Sentencing as to Nestor Rodriguez (2) (Hourihan, Lisa) (Entered: 08/15/2005)
08/15/2005	●	Set/Reset Hearings as to Nestor Rodriguez: Sentencing reset for 10/6/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 08/15/2005)
08/15/2005	● 53	Writ of Habeas Corpus ad Prosequendum Issued as to Nestor Rodriguez for 10/6/05 (Hourihan, Lisa) (Entered: 08/15/2005)
08/18/2005	● 54	MOTION to Continue Sentencing as to Ivan Rodriguez. (Hourihan, Lisa) (Entered: 08/18/2005)
08/18/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting 54 Motion to Continue as to Ivan Rodriguez (1) (Hourihan, Lisa) (Entered: 08/18/2005)
08/18/2005	●	Set/Reset Hearings as to Ivan Rodriguez: Sentencing set for 11/7/2005 02:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 08/18/2005)
10/05/2005	● 55	SENTENCING MEMORANDUM by USA as to Nestor Rodriguez (Levitt, Peter) (Entered: 10/05/2005)

10/05/2005	<u>56</u>	SENTENCING MEMORANDUM by USA as to Nestor Rodriguez (Levitt, Peter) (Entered: 10/05/2005)
10/05/2005	<u>57</u>	MOTION to Continue <i>Sentencing Hearing</i> as to Nestor Rodriguez. (Fried, Syrie) (Entered: 10/05/2005)
10/06/2005		Judge Reginald C. Lindsay : ElectronicORDER entered denying <u>57</u> Motion to Continue Sentencing as to Nestor Rodriguez (2) (Hourihan, Lisa) (Entered: 10/06/2005)
10/12/2005	<u>58</u>	NOTICE OF APPEAL by Nestor Rodriguez NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerk/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/1/2005. (Fried, Syrie) (Entered: 10/12/2005)